IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

WEDNESDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND SEVEN

: PRESENT :
THE HON'BLE SRI JUSTICE : **BILAL NAZKI**

CRIMINAL REVISION CASE No.**1114 of 2002**

(Criminal Revision case under Section 397 AND 401 of Cr.P.C. to revise the order of the Court of the Addl. Sessions Judge, Hindupur passed in Crl.A. No. 13 of 2001 dated 9-8-2001, preferred against the order of the Court of the Judicial magistrate of I Class, Hindupur passed in C.C. No. 94 of 1999 dated 12-1-2001.)

Between:

B. Chandrasekhar S/o B.N. Sreeravmulu

Petitioner

AND

State of A.P., through Public Prosecutor, High court of A.P., Hyderabad

Respondent

Whereas the Court upon perusing the petition and memo of grounds filed herein and the order of the High Court dated 13-8-2002 made in Crl.MP. No. 4863 of 2002, and the order dated 24-1-2007 made herein and upon hearing the arguments of Sri R.V. Subba Rao Advocate for the Petitioner, and of the Public Prosecutor for the Respondent observed as follows:

On hearing learned counsel for the Petitioner, I have found that the petitioner/accused has been convicted of the offences under Sections 326 and 448 IPC. The trial court sentenced him to two years rigorous imprisonment for the offence under Section 326 IPC, besides imposing some fine. For the offence under Section 448 IPC he was sentenced to six months rigorous imprisonment. The appellate Court upheld the conviction but reduced the sentence under section 326 IPC from two years rigorous imprisonment to one year rigorous imprisonment. This revision is filed by the accused.

Section 326 IPC prescribes a punishment of imprisonment for life or imprisonment of either description for a term, which may extend to 10 years. It also prescribes fine. Since the trial Court as well as the appellate Court have convicted the Petitioner under Section 326 IPC and if the conviction is upheld by this Court as well, then the Petitioner has been given a sentence which is not commensurate with the offence, as the offence carries a punishment of life or 10 years imprisonment.

And whereas the Court therefore, directed to the Registry to issue a notice to the petitioner to show cause as to why the punishment shall not be enhanced in case his conviction under section 326 IPC is upheld. The

Petitioner is present in the court and he takes notice;

..2…

Therefore you viz;
B. Chandrasekhar S/o B.N. Sreeravmulu
R/o Boyapeta, Hindupur, Anantapur

are hereby directed to show cause as to why the punishment shall not be enhanced in case your conviction under section 326 IPC is upheld on or before 7-2-2007 to which date the case stands posted.

Sd/- K. Mohan Rao
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Additional Sessions Judge, Hindupur, Anantapur
2. The Judicial Magistrate f I Class, Hindupur, Anantpaur
3. The Station House officer, II Town P.S., Hindupur, Anantapur
4. B. Chandrasekhar, S/o B.N. Sreeramulu, R/o Boyapeta, Hindupur, Anantapur District **(BY RPAD)**
5. Two CC's to Public prosecutor, High court of A.P., Hyderabad
6. One CC to Sri R.V. Subba Rao, Advocate (OPUC)
7. One Spare Copy

Skm

HIGH COURT

BN,J

DATE: 31-01-2007

NOTE: POST ON 07-02-2007

CRL.RC.NO. 1114 OF 2002

DIRECTION

HIGH COURT

BN,J

Drafted by: skm
Drafted on: 01-02-2007

DATE: 31-01-2007

NOTE: POST ON 07-02-2007

CRL.RC.NO. 1114 OF 2002

DIRECTION